

Concord Office

10 Centre Street
PO Box 1090
Concord, NH
03302-1090
603-224-7791
1-800-640-7790
Fax 603-224-0320

Attorneys At Law

Gary B. Richardson
John F. Teague
James F. Raymond
Barton L. Mayer
Charles W. Grau
Bridget C. Ferns
Heather M. Burns
Lauren Simon Irwin
Matthew R. Serge
Michael S. McGrath*

Of Counsel

Frederic K. Upton
Marilyn Billings McNamara
Maureen Soraghan*

Hillsborough Office

8 School Street
PO Box 13
Hillsborough, NH
03244-0013
603-464-5578
1-800-672-1326
Fax 603-464-3269

Attorneys At Law

Douglas S. Hatfield
Margaret-Ann Moran
Steven J. Venezia*

North Conway Office

23 Seavey Street
PO Box 2242
North Conway, NH
03860-2242
603-356-3332
Fax 603-356-3932

Attorney At Law

Robert Upton, II

Portsmouth Office

159 Middle Street
Portsmouth, NH 03801
Tel: 603-436-7046
877-436-6206
Fax: 603-431-7304

Attorneys At Law

Russell F. Hilliard
Justin C. Richardson

www.upton-hatfield.com
mail@upton-hatfield.com

*Also admitted in MA



Please respond to the Portsmouth office

June 4, 2010

Via Hand Delivery and Electronic Mail

Debra A. Howland, Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Re: City of Nashua: Petition for Valuation Pursuant to RSA 38:9
Docket No.: DW 04-048

Dear Ms. Howland:

Enclosed for filing is an original and seven copies of the City of Nashua's *Assented to Motion to Extend Deadline for Filing Contracts*, as well as an electronic copy on compact disc.

A complete copy of the foregoing has been sent this day to each person on the Commission's official service list in this proceeding by electronic mail.

If you have any questions, please contact me.

Very truly yours,

Justin C. Richardson
jrichardson@upton-hatfield.com

JCR/sem

Enclosure(s)

cc: Mayor Donnalee Lozeau (w/ enclosure)
James R. McNamee, Esq. (w/ enclosure)
Official Service List, No. 04-048 (w/ enclosure)

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

City of Nashua: Petition for Valuation Pursuant to RSA 38:9

Docket No.: DW 04-048

ASSENTED TO MOTION TO EXTEND DEADLINE FOR FILING CONTRACTS

NOW COMES the City of Nashua and moves to extend the deadline for filing contracts required by Condition No. 8 of Order No. 24,878 and, in support thereof, states as follows:

1. Condition No. 8 of the Commission's July 25, 2008 Order No. 24,878, requires that Nashua submit duly authorized and executed agreements with Veolia Water and R.W. Beck, "within *60 days* of its order on the merits of this case becoming final and no longer subject to appeal".

2. RSA 38:13 allows the Nashua Board of Aldermen to decide whether or not to ratify the Commission's decision "[w]ithin *90 days* of the final determination of the price to be paid for the plant and property".

3. Nashua has negotiated contracts with Veolia Water and R.W. Beck but the Nashua Board of Aldermen has not authorized or executed those agreements pending its decision pursuant to RSA 38:13.

4. Nashua therefore requests leave to file duly authorized and executed agreements until the earlier of the date of the decision of the Nashua Board of Aldermen pursuant to RSA 38:13 or September 30, 2010."

5. Rule Puc 202.04 allows for extensions of time where "circumstances would cause undue hardship or inconvenience unless the request were granted" and

"extension would not unduly delay the proceeding or adversely affect the rights of any party".

6. Requiring Nashua to file duly authorized and executed contracts prior to its decision on ratification will cause undue hardship and inconvenience.

7. Granting an extension as set forth herein will have no adverse impact on the rights of any party as the Commission continues to have jurisdiction over the contracts that are the subject of Condition No. 8 as provided by Order No. 24,878.

8. Pennichuck Water Works assents to the relief requested in this Motion.

WHEREFORE, City of Nashua respectfully requests that the Commission:

- a) Grant leave to file duly authorized and executed contracts following the vote of the Nashua Board of Aldermen as provided by RSA 38:13; and
- b) Grant such other relief as justice may require.

Respectfully submitted,

CITY OF NASHUA

By Its Attorneys

UPTON & HATFIELD, LLP

Date: June 4, 2010

By: Justin Richardson

Robert Upton, II, Esquire
Justin C. Richardson, Esquire
23 Seavey St., P.O. Box 2242
North Conway, NH 03860
(603) 356-3332

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent this day by e-mail and first class mail to all persons on the Commission's official service list in this proceeding.

Date: June 4, 2010

Justin Richardson
Robert Upton, II Esquire